

## **Assembly Bill No. 1259**

### **CHAPTER 696**

An act to amend Section 65588 of, and to add and repeal Section 65584.7, the Government Code, relating to local planning.

[Approved by Governor October 14, 2007. Filed with  
Secretary of State October 14, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1259, Caballero. Local planning: housing element.

(1) The Planning and Zoning Law specifies the dates of revision for the housing element and prescribes the time periods for the submission of draft and adopted local general plan housing elements to the Department of Housing and Community Development and for the review of those elements by the department. That law also requires the department, based upon data provided by the Department of Finance and in consultation with each council of government (COG), to determine the regional share of the statewide housing need for the subsequent revisions to the housing element, and local governments within the regional jurisdiction of the Sacramento Area Council of Governments (SACOG) are required to revise their housing elements by June 30, 2002, for the 3rd revision, and June 30, 2008, for the 4th revision.

This bill would until January 1, 2014, authorize the Department of Housing and Community Development, consistent with the revised population projections released by the Department of Finance on July 9, 2007, to revise its regional housing need determination for the Sacramento Area Council of Governments for the 4th revision of the housing element, and prior to the adoption of the final regional housing need allocation plan by the Sacramento Area Council of Governments.

(2) Existing law requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. Existing law further provides that specified councils of governments must complete the 3rd and 4th revisions of the housing elements of their general plans by specified dates. Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments are required to complete the 4th revision on June 30, 2008.

This bill would extend the date by which local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments must complete the 4th revision to June 30, 2009, and would make various technical, nonsubstantive changes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65584.7 is added to the Government Code, to read: 65584.7. (a) The Legislature finds and declares all of the following:

(1) Accurate and current data to estimate housing needs is necessary to ensure that state, regional, and local agencies plan effectively.

(2) The Department of Finance, which is charged with providing demographic data to aid effective state and local planning and policymaking, released updated population projections for the state on July 9, 2007.

(3) The updated projections released by the Department of Finance represent a decline of over 30 percent from the prior projection in the near-term population growth for the area within the regional jurisdiction of the Sacramento Area Council of Governments.

(4) Authorizing the department to adjust its regional housing needs determination for the Sacramento Area Council of Governments region is allowed only because a substantially different projection was released by the Department of Finance prior to the adoption of the Sacramento Area Council of Governments' final regional housing need allocation plan, and will not alter the schedule for its adoption.

(b) (1) Consistent with the revised population projections released by the Department of Finance on July 9, 2007, the department, for the fourth revision of the housing element pursuant to Section 65588, and prior to the adoption of the final regional housing need allocation plan by the Sacramento Area Council of Governments, may revise its regional housing need determination for the Sacramento Area Council of Governments. The revised determination by the department shall be consistent with the current population projections of the Department of Finance and with the methodology used for the initial determination for the region.

(2) The revision of the regional housing need determination shall not extend the time for, or reinstate any right to, an appeal, request for revision, or public comment or consultation period established pursuant to this article with respect to the determination of the regional housing need and the allocation to local government members of the Sacramento Area Council of Governments.

(3) This section does not change or modify the deadline established in Section 65588 by which local governments within Sacramento Area Council of Governments are required to adopt revised housing elements.

(c) This section is not intended to change or modify the deadlines in Sections 65584.01 to 65584.08, inclusive.

(d) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, each city, county, and city and county shall revise its housing element according to the following schedule:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2006, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2007, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(4) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.

(5) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.

(6) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(7) Subsequent revisions shall be completed not less often than at five-year intervals following the fourth revision.

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